

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Civil Action No. _____
v.)	
)	
CHEMTRONICS, INC.,)	
AND NORTHROP GRUMMAN SYSTEMS)	
CORP.)	
)	
Defendants.)	
_____)	

COMPLAINT

The United States of America, by authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), files this Complaint and alleges as follows:

STATEMENT OF THE CASE

1. This is a civil action against Defendants Chemtronics, Inc. (“Chemtronics”) and Northrup Grumman Systems Corp. (“NGSC”) (together, the “Defendants”) under Sections 106, 107(a) and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (“CERCLA”), 42 U.S.C. §§ 9606, 9607(a), and 9613(g)(2), and Section 7003 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6973. The United States seeks to recover response costs that it has incurred in conducting response activities in connection with the release or threatened release of hazardous substances into the environment at or from the Chemtronics Superfund Site, located in the community of Swannanoa, in Buncombe County, North Carolina (the “Site”), under Section 107(a) of

CERCLA, 42 U.S.C. § 9607(a). The United States further seeks injunctive relief, under Section 106 of CERCLA, 42 U.S.C. § 9606, and under Section 7003 of RCRA, 42 U.S.C. § 6973, requiring that the Defendants take action to abate conditions at or near the Site that may present an imminent and substantial endangerment to the public health or welfare or the environment because of actual and threatened releases of hazardous substances (CERCLA) and solid and/or hazardous wastes (RCRA) into the environment at or from the Site. Finally, the United States seeks a declaratory judgment, under Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), declaring that all the Defendants will be liable for any further response costs that the United States may incur as a result of a release or threatened release of hazardous substances into the environment at or from the Site.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), Section 7003(a) of RCRA, 42 U.S.C. § 6973(a), and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper in this district under Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), Section 7003 of RCRA, 42 U.S.C. § 6973, and 28 U.S.C. § 1391(b) and (c) because the claims arose and the threatened and actual releases of hazardous substances (CERCLA) and solid wastes and/or hazardous wastes (RCRA) occurred in this district.

DEFENDANTS

4. Chemtronics is a company that currently owns and operates the Site. Chemtronics also owned and/or operated the Site, or a portion thereof, at the time of disposal of hazardous substances. Additionally, Chemtronics is a successor-in-interest to Airtronics, Inc. (“Airtronics”),

which operated the Site, or a portion thereof, both individually and through its wholly-owned subsidiary by the same name, Chemtronics, Inc., at the time of disposal of hazardous substances.

5. NGSC is a company that is the successor-in-interest to Northrup Carolina, Inc. (“NCI”), which owned and/or operated the Site, or a portion thereof, at the time of disposal of hazardous substances.

6. Each of the Defendants, as well as their predecessors-in-interest, is a “person” within the meaning of CERCLA Section 101(21), 42 U.S.C. § 9601(21), and RCRA Section 1004(15), 42 U.S.C. § 6903(15).

GENERAL ALLEGATIONS

A. Site Ownership, Operation, and Disposal History

7. The Site encompasses 541.9 acres of a 1,065-acre property currently owned by Chemtronics located at 180 Old Bee Tree Road, in Swannanoa, Buncombe County, North Carolina (the “Property”).

8. The Chemtronics Site was an active manufacturing facility from 1952 until 1994.

9. From 1952 through 1965, the Site was owned and operated by predecessors-in-interest to CNA Holdings, LLC (“CNA”).

10. The Site was owned by NGSC’s predecessor-in-interest NCI from 1965 through 1978, and the Site was operated by NCI from 1965 through 1971.

11. Chemtronics’ predecessor-in-interest, Airtronics, began operating at the Site in 1971. Chemtronics continued Airtronics’ operations beginning in 1977 through 1994.

12. Chemtronics acquired the Site from NCI in 1978 and has owned Site since then.

13. From 1952 to 1971, solid waste and/or hazardous waste materials, solvents, spent acid, and other chemical wastes were disposed of at the Site in what is now referred to as the Acid Pit Area, in the Back Valley, as well as in the Front Valley.

14. Specifically, waste materials generated in the production of incapacitating agents, 3- quinuclidinyl benzilate (BZ) and the tear gas agent, o-chlorobenzylidene malononitrile (CS), were placed in 55 gallon drums, covered with a decontaminating 'kill' solution and then buried on-site in trench-type landfills at the Site.

15. From 1971 to 1975, Airtronics disposed of liquid wastes in on-Site pits and trenches and burned solid wastes, rocket motors, explosive wastes, and other materials, in the Acid Pit Area at the Site.

16. From 1975 to 1979, Airtronics/Chemtronics constructed additional pits and trenches in the Acid Pit Area for the disposal of spent acid and various organic wastes.

17. In 1979, Chemtronics installed a 500,000-gallon lagoon in the Front Valley with a lined bottom for the biotreatment of wastewaters from manufacturing activities. The lagoon was constructed on top of an abandoned leach field that was associated with the facility's main production and manufacturing building.

18. After the lagoon was filled, it lost its contents due to the incompatibility of the liner with the brominated waste introduced into the lagoon.

19. Reconstruction of the lagoon with a different liner was completed in August 1980.

20. The lagoon was in use until 1984, at which time it was decommissioned.

B. Enforcement History

21. The Site was placed on the National Priorities List ("NPL") in December 1982.

22. On April 5, 1988, EPA issued a Record of Decision (“1988 ROD”) primarily to address 23 known waste disposal areas associated with past operations. The remedy provided under the 1988 ROD involved capping and fencing the six principal waste disposal areas in the Front and Back Valley with waste left in-place, and installing a groundwater pump-and-treat system, together with continued monitoring of groundwater and surface water.

23. In 1989, EPA issued a ROD Amendment (“ROD Am. No. 1”), removing from the remedy some contaminated soil stabilization and solidification that was no longer necessary.

24. ROD Am. No. 1 was implemented under a 1989 Remedial Design/Remedial Action (“RD/RA”) Unilateral Administrative Order (“UAO”) issued to the Defendants and/or their predecessors and Hoechst-Celanese Corp., a predecessor-in-interest to CNA.

25. Remedial construction on the remedy outlined in the ROD Am. No. 1 began in December 1991 and was completed in March 1993.

26. In 1990, EPA completed a Facility Assessment (“RFA”) at the Site pursuant to the Resource Conservation and Recovery Act (“RCRA”). The RFA included the areas that were not being addressed under CERCLA pursuant to the 1988 ROD and ROD Am. No. 1, and identified 117 solid waste management units (“SWMUs”) and 6 Areas of Concern to be further evaluated by the State of North Carolina Department of Environment and Natural Resources (“NCDENR”), the predecessor agency to the North Carolina Department of Environmental Quality (“NCDEQ”), under North Carolina’s RCRA Corrective Action program.

27. In August 1997, Chemtronics entered into an Administrative Order on Consent (“AOC”) with the NCDENR for completion of a RCRA Site Investigation and Corrective Measures Study to address RCRA concerns at the Site. Subsequent RCRA actions at the Site

under the NCDENR's supervision consisted of soil, groundwater and surface water sampling, soil excavation, and the cleaning and closing of wastewater sumps.

28. On March 9, 2007, EPA assumed full oversight authority for the Site under its Superfund Program.

29. On October 27, 2008, Defendants and CNA entered into a Site-wide AOC with EPA for Defendants and CNA to conduct a Remedial Investigation and Feasibility Study ("RI/FS") for the Site (hereafter, the "2008 RI/FS AOC").

30. The Remedial Investigation ("RI") fieldwork was conducted in 3 phases between December 2009 and July 2012.

31. Based on the results of the RI, the Feasibility Study ("FS") was conducted between January 2012 and February 2016, and included *inter alia* several bench and pilot scale treatability studies.

32. EPA has determined that there is or may be an imminent and substantial endangerment to public health or welfare or the environment because of actual and threatened releases of hazardous substances into the environment at and from the Site.

33. On September 29, 2016, EPA issued a second amendment to the 1988 ROD ("ROD Am. No. 2"), selecting a combination of remedial alternatives which were evaluated under the FS, including (1) Excavation of contaminated soil for certain contaminated areas; (2) Enhanced In-Situ Bioremediation with long-term groundwater monitored natural attenuation for contaminated groundwater for certain contaminated areas; (3) placement of Institutional Controls at the Site to, at a minimum, (i) limit the use of the Site to either commercial or industrial purposes, and (ii) restrict groundwater use and prevent the use of on-Site groundwater for potable purposes; (4) maintenance of the caps and engineering controls for six existing disposal

areas as required by the original EPA Record of Decision relating to the Site; (5) implementation of performance monitoring and evaluation; (6) elimination of the requirement for pumping and treating groundwater as specified in the 1988 ROD; and (7) periodic evaluation of the selected remedy.

SPECIFIC ALLEGATIONS

34. Benzene, carbon tetrachloride, chloroform, 1,2-dichloroethane, 1,2-dichloroethene, dichloromethane, tetrachloroethene, trichloroethene, and vinyl chloride, are hazardous substances within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), because they are listed at 40 C.F.R. § 302.4 App. A pursuant to Section 102 of CERCLA, 42 U.S.C. § 9602.

35. Benzene, carbon tetrachloride, chloroform, 1,2-dichloroethane, 1,2-dichloroethene, dichloromethane, tetrachloroethene, trichloroethene, and vinyl chloride are solid wastes, as defined by 42 U.S.C. § 6903(27).

36. Benzene, carbon tetrachloride, chloroform, 1,2-dichloroethane, 1,2-dichloroethene, dichloromethane, tetrachloroethene, trichloroethene, and vinyl chloride, are hazardous wastes, as defined by 42 U.S.C. § 6903(5), because they are listed at 40 C.F.R. §§ 261.31 through 261.33 pursuant to 40 C.F.R. § 261.3(a).

37. Benzene, carbon tetrachloride, chloroform, 1,2-dichloroethane, 1,2-dichloroethene, dichloromethane, tetrachloroethene, trichloroethene, and vinyl chloride have come to be located at the Site.

38. The Site is a “facility” within the meaning of CERCLA Section 101(9), 42 U.S.C. § 9601(9), because the Site is a site or area where hazardous substances have been “deposited, stored, disposed of, or placed, or otherwise come to be located.”

39. There was a “release” or threatened “release” of hazardous substances into the “environment” at or from the Site, within the meaning of CERCLA Sections 101(8) and 101(22), 42 U.S.C. §§ 9601(8) and 9601(22), because the hazardous substances described in paragraph 34 have been detected in the soil and groundwater at the Site.

40. During operations at the Site, hazardous substances including benzene, carbon tetrachloride, chloroform, 1,2-dichloroethane, 1,2-dichloroethene, dichloromethane, tetrachloroethene, trichloroethene, and vinyl chloride were deposited, dumped, spilled, leaked, and/or placed and thus “disposed” at the Site, within the meaning of CERCLA Section 101(29), 42 U.S.C. § 9601(29), and 42 U.S.C. § 6903(3).

41. Chemtronics and/or at least one of its predecessors owned the Site at the time of disposal of hazardous substances, within the meaning of CERCLA Section 107(a)(2), 42 U.S.C. § 9607(a)(2).

42. Chemtronics and/or at least one of its predecessors operated at the Site at the time of disposal of hazardous substances, within the meaning of CERCLA Section 107(a)(2), 42 U.S.C. § 9607(a)(2).

43. Chemtronics currently owns the Site, within the meaning of CERCLA Section 107(a)(1), 42 U.S.C. § 9607(a)(1).

44. Chemtronics currently operates the Site, within the meaning of CERCLA Section 107(a)(1), 42 U.S.C. § 9607(a)(1).

45. At least one of NGSC’s predecessors owned the Site at the time of disposal of hazardous substances, within the meaning of CERCLA Section 107(a)(2), 42 U.S.C. § 9607(a)(2).

46. At least one of NGSC's predecessors operated at the Site at the time of disposal of hazardous substances, within the meaning of CERCLA Section 107(a)(2), 42 U.S.C. § 9607(a)(2).

47. In undertaking response actions to address the release and threatened release of hazardous substances at the Site, the EPA has incurred "response" costs as defined in CERCLA Section 101(25), 42 U.S.C. § 9601(25).

48. As of August 9, 2017, EPA has incurred unreimbursed response costs of approximately \$266,030.43 for the Site.

49. In undertaking response actions to address the release and threatened release of hazardous substances at the Site, the EPA will continue to incur "response" costs as defined in CERCLA Section 101(25), 42 U.S.C. § 9601(25).

50. The EPA's response actions taken at or in connection with the Site and the costs incurred incident thereto were not inconsistent with the National Contingency Plan.

FIRST CLAIM FOR RELIEF
(Recovery of Response Costs Pursuant to CERCLA Section 107(a))

51. The allegations contained in paragraphs 1 through 50 are re-alleged and incorporated herein by reference.

52. Each of the Defendants is within the class of liable persons described in CERCLA Section 107(a)(1) or (2), 42 U.S.C. § 9607(a)(1) or (2), because each is either the current owner and/or operator of the Site, or owned and/or operated the Site at the time of disposal of hazardous substances at the Site, or is a successor-in-interest to such persons.

53. Pursuant to CERCLA Section 107(a), 42 U.S.C. § 9607(a), each of the Defendants is jointly and severally liable to the United States for all costs incurred by the United

States in connection with the Site, including enforcement costs and prejudgment interest on such response costs.

SECOND CLAIM FOR RELIEF
(Declaratory Judgment Under CERCLA Section 113(g)(2))

54. The allegations contained in paragraphs 1 through 50 are re-alleged and incorporated herein by reference.

55. CERCLA Subsection 113(g)(2), 42 U.S.C. § 9613(g)(2), specifies that in any action for recovery of costs under CERCLA Section 107, 42 U.S.C. § 9607, “the court shall enter a declaratory judgment on liability for response costs ...that will be binding on any subsequent action or actions to recover further response costs”

56. The United States will continue to incur response costs associated with the Site that are recoverable as response costs under CERCLA.

57. Pursuant to CERCLA Section 113(g), 42 U.S.C. § 9613(g), a declaratory judgment should be entered against each of the Defendants holding each of them jointly and severally liable to the United States for future response costs incurred by the United States that will be binding in any subsequent action or actions seeking to recover further response costs or damages incurred by the United States in connection with the Site.

THIRD CLAIM FOR RELIEF
(Injunctive Relief Under CERCLA Section 106)

58. The allegations contained in paragraphs 1 through 50 are re-alleged and incorporated herein by reference.

59. Pursuant to CERCLA Section 106(a), 42 U.S.C. § 9606(a), each of the Defendants is jointly and severally liable for injunctive relief to abate the danger or threat

presented by releases or threatened releases of hazardous substances into the environment at and from the Site.

60. EPA has determined that the remedy selected in ROD Am. No. 2 is necessary to abate the danger or threat at or from the Site.

61. Therefore, under CERCLA Section 106(a), 42, U.S.C. § 9606(a), each of the Defendants is jointly and severally liable to undertake the remedial action identified in ROD Am. No. 2.

FOURTH CLAIM FOR RELIEF
(Performance of Response Actions Under RCRA Section 7003)

62. The allegations contained in paragraphs 1 through 50 are re-alleged and incorporated herein by reference.

63. Section 7003(a) of RCRA, 42 U.S.C. § 6973(a), provides in pertinent part:

[U]pon receipt of evidence that the past or present handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste may present an imminent or substantial endangerment to health or the environment, the Administrator may bring suit on behalf of the United States . . . against any person . . . to restrain such person from such handling, storage, treatment, transportation, or disposal, to order such person to take such other action as may be necessary, or both.

64. Solid wastes and/or hazardous wastes, as defined in Section 1004 of RCRA, 42 U.S.C. § 6903, are present at the Site.

65. Defendants' handling, storage, treatment, transportation, or disposal of solid and/or hazardous waste at the Site may present an imminent and substantial endangerment to health or the environment.

66. Therefore, under RCRA Section 7003, 42, U.S.C. § 6973, Defendants are liable for certain actions at the Site in order to abate the danger or threat to health or the environment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests that this Court:

1. Enter judgment in favor of the United States and against the Defendants, jointly and severally, under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for all costs incurred by the United States, including enforcement costs and prejudgment interest, for response actions taken in connection with the Site;
2. Enter a declaratory judgment of liability in favor of the United States and against the Defendants, under Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), that will be binding on any subsequent action or actions to recover further response costs;
3. Order the Defendants to abate the conditions at the Site that may present an imminent and substantial endangerment to the public health or welfare or the environment by undertaking the remedy selected in ROD Am. No. 2, pursuant to CERCLA Section 106(a), 42, U.S.C. § 9606(a);
4. Order Defendants to take action necessary to abate the imminent and substantial endangerment to health or the environment pertaining to releases and threatened releases of solid and/or hazardous waste at the Site, pursuant to Section 7003(a) of RCRA, 42 U.S.C. § 6973(a);
5. Award the United States its costs of this action; and
6. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

ELLEN M. MAHAN
Deputy Section Chief
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice

/s/ Rachael Amy Kamons
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Rachael Amy Kamons, US DOJ, P.O. Box 7611, Ben Franklin Station,
Washington, DC 20044; Tel: 202-514-5260

DEFENDANTS

Chemtronics, Inc. and Northrop Grumman Systems Corp.

County of Residence of First Listed Defendant Harris County, TX
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input checked="" type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 9606, 9607(a), and 9613(g)(2); 42 U.S.C. 6973(a)

Brief description of cause:

CERCLA and RCRA civil action for injunctive relief, recover response costs, declaratory judgment for future costs

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

09/24/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Rachael Amy Kamons

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPL. DUES _____

FEE _____

JUDGE _____